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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,358	01/22/2002	Angela Marcela Wilkinson	WILK03-0004	9273

7590

05/14/2004

Docket Clerk  
P.O. Drawer 800889  
Dallas, TX 75380

EXAMINER
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THOMAS, ALEXANDER S

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/055,358	WILKINSON, ANGELA MARCELA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alexander Thomas	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 9-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye. Kaye discloses a placemat having a major portion (cat body) and an extension portion (cat head) integral therewith; see the Figure. The secondary reference discloses that it is well known in the placemat art to use the instantly materials to form placemats; see page 8, lines 11-15 of the instant specification. It would have been obvious to one of ordinary skill in the art to use the materials disclosed as well known in the placemat art by the secondary reference to form the article in the primary reference to provide the desired structural properties to the placemat for a particular end use. Concerning the size of the claimed article, it would have been obvious to one of ordinary skill in the art to vary the size of the placemat and extensions to achieve the desired coverage or protection for a particular end use. Regarding claims 9, 12 and 13, the terms "right" and "left" are relative terms which depend on the angle and position from which the place mat is viewed. Therefore, the extensions in the article of Kamel et al may be considered on the upper right or left periphery of a major portion. With respect to claims 16 and 18, it would have been obvious to one of ordinary skill in the

Art Unit: 1772

art to vary the shape of the major and extension portions in the article of the primary reference to produce a desired decorative effect.

3. Claims 1, 2, 4, 5, 9-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al in view of applicant's acknowledged state of the art. Kamel et al discloses a placemat having a major portion and an extension portion formed integral therewith; see the Figures. The secondary reference discloses that it is well known in the placemat art to use the instantly materials to form placemats; see page 8, lines 11-15 of the instant specification. It would have been obvious to one of ordinary skill in the art to use the materials disclosed as well known in the placemat art by the secondary reference to form the article in the primary reference to provide the desired structural properties to the placemat for a particular end use. Concerning the size of the claimed article, it would have been obvious to one of ordinary skill in the art to vary the size of the placemat and extensions to achieve the desired coverage or protection for a particular end use. Regarding claims 9, 12 and 13, the terms "right" and "left" are relative terms which depend on the angle and position from which the placemat is viewed. Therefore, the extensions in the article of Kamel et al may be considered on the upper right or left periphery of a major portion.

4. Claims 1, 2, 4, 5, 10, 12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krass in view of applicant's acknowledged state of the art. Krass discloses a placemat having a major portion and an extension portion formed integral therewith; see the Figure. The secondary reference discloses that it is well known in the placemat art to use the instantly materials to form placemats; see page 8, lines 11-15 of

Art Unit: 1772

the instant specification. It would have been obvious to one of ordinary skill in the art to use the materials disclosed as well known in the placemat art by the secondary reference to form the article in the primary reference to provide the desired structural properties to the placemat for a particular end use. Concerning the size of the claimed article, it would have been obvious to one of ordinary skill in the art to vary the size of the placemat and extensions to achieve the desired coverage or protection for a particular end use. Regarding claims 9, 12 and 13, the terms "right" and "left" are relative terms which depend on the angle and position from which the place mat is viewed. Therefore, the extensions in the article of Krass may be considered on the upper right or left periphery of a major portion. With respect to claim 16, it would have been obvious to one of ordinary skill in the art to vary the shape of the major and extension portions in the article of the primary reference to produce a desired decorative effect.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 1772

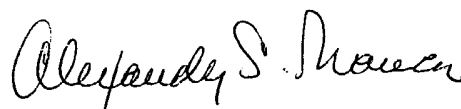
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ALEXANDER S. THOMAS  
PRIMARY EXAMINER